



Ninety – Sixth Legislature – First Session – 1999
Introducer's Statement of Intent
LB 739

Chairperson: Senator D. Paul Hartnett
Committee: Urban Affairs
Date of Hearing: February 16, 1999

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

This legislation is the product of the Urban Affairs Committee's 1997 interim study of the handicapped parking statutes. The provisions of this bill were originally introduced as LB 1347 and LB 1348 in the 1998 legislative session. The committee took no action on those bills during that session.

First, this bill would authorize the use of special "wheelchair lift warning cones" to designate areas in a parking lot which must be left clear to permit the entrance or egress from a vehicle of persons requiring additional space for wheelchair lifts.

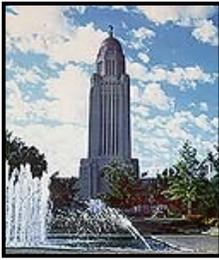
Any person which a valid handicapped or disabled parking permit who also operates a motor vehicle equipped with a wheelchair lift would be authorized to apply for a permit to use a wheelchair lift warning cone. The application would be made directly to the Department of Motor Vehicles.

If the Department determined that the applicant was entitled to the permit, it would mail to the applicant a permanent sticker to be attached to a standard traffic cone. The Department would design the size, configuration, color, and construction of the sticker and what information it would contain. At a minimum, the sticker would have to show the number of the parking permit or license number of the vehicle and would have to contain sufficient identifying information with regard to the handicapped person and the vehicle to permit the handicapped parking statutes to be enforced.

A wheelchair lift warning cone can only be used by the applicant and only in conjunction with the vehicle equipped with the wheelchair lift when the vehicle is properly displaying a valid handicapped parking permit and is properly parked in a space or stall designated for use exclusively by the handicapped or disabled.

Use or display of the warning cone other than as provided by law would be a handicapped parking infraction. It is also a handicapped parking infraction to move, remove, or steal a cone, to disfigure or destroy a cone, or to be in possession of a cone for which one is not the applicant or recipient of a permit.

Additionally, this bill would amend the statutes authorizing the designation of parking spaces for the exclusive use of handicapped or disabled individuals to specifically authorize the designation of "van access aisles," those spaces necessary to allow the use of wheelchair lifts. The changes would require that such "aisles" be specifically marked to show their presence either in conjunction with a regular space or in a similar manner. These statutes would also prohibit the unauthorized use or encroachment of vehicles without proper authorization into these aisles.



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Third, the bill adds a new item for inclusion into the application form used by individuals seeking handicapped parking permits. Space would have to set aside on the application form for the applicant to sign a statement that he or she is aware of his or her rights, duties, and responsibilities with regard to the use and possession of a handicapped or disabled parking permit and the penalties provided by law for handicapped parking infractions.

Sections 6 and 7 of the bill add new items to the list of what constitute “handicapped parking infractions”. These are the violations of the law which can be enforced by the issuance of citations by the volunteers who currently operate in several cities.

Among the new infractions are:

- 1) The use or display of a permit by an individual who is not a permit holder for the purpose of parking in a designated parking area, and
- 2) The use of a permit by a individual who has obtained the permit to enable him or her to transport a handicapped or disabled person when that individual is not actually transporting such a person.

Section 7 changes the definition of “handicapped parking infraction” to include improper uses of van access aisles and the unauthorized possession, use, or display of handicapped parking permits.

Section 8 would permit the state building division of the Department of Administrative Services to designate van access aisles in the parking facilities of state buildings.

Principal Introducer:

Senator D. Paul Hartnett
As Chair of the Committee on Behalf of the Committee